

Chapter 881 DANCE PERMITS AND LICENSES*

***Cross references:** Amusement locations and machines, ch. 831.

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Sec. 881-1. Permit or license required.

It shall be unlawful for any person to hold any dance, or to own, operate or allow the operation of any building or premises in the city where dancing is indulged in or permitted, and where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a dance permit or annual dance license therefor from the controller. Whenever a dance requiring a permit or annual license is held on premises not owned or leased for a term of one (1) year or more by the person holding the dance, the owner or lessee of the property and the person holding the dance must each first obtain a permit or annual license.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-2. Activities exempted from this chapter.

The permit or annual license required by this chapter shall not be required under the following circumstances:

(1) For a dance held by a fraternal, educational, governmental, charitable or religious organization or a bona fide club, as long as the dance is not open to the general public and admission to the dance is limited to members and invited guests, and the dance is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club, and provided that, after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools. For the purpose of this exemption, the terms fraternal organization and bona fide club shall mean an association with more than fifty (50) members. The association shall own, maintain, or operate club quarters within the city and be authorized and incorporated to operate as a nonprofit club under the laws of the state and have been continuously incorporated and operating for a period of not less than one (1) year. The association shall have had during such period of one-year a membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the association. Membership dues shall be payable monthly, quarterly, or annually, and shall be recorded by the secretary of the association. It is the intent of this definition that any exemption from this chapter shall apply only to an association that has not been primarily formed or activated to evade the provisions of this chapter;

(2) For a dance which is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;

- (3) For a person who holds a one-year or two-year permit for the sale of alcoholic beverages and who holds a dance on the licensed premises and where entry is limited to persons who are twenty-one (21) years of age or older;
- (4) For dances which are performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the dance;
- (5) For any school or class, the purpose of which is to teach dancing; or
- (6) For every person who holds a hotel license issued pursuant to Chapter 901, and who holds a dance on the licensed premises.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-3. Application for permit or license.

All applications for a permit or annual license required by this chapter shall be in writing on a form designated by the controller, and shall include the following and be signed by the applicant:

- (1) The name, mailing address and telephone number of the applicant, and the names and addresses of all partners if a partnership, all officers if a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the dance and who will be responsible for managing the dance;
- (2) The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises is licensed for the sale of alcoholic beverages;
- (3) On dance permit applications, the date and hours when, and address where, each dance will be held, and if a single application is for more than one (1) dance permit, it shall state the date, location and hours of each dance;
- (4) On annual dance license applications, the location, hours, and maximum number of days per week that dances will be held;
- (5) Whether the dance or dances will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;
- (6) Whether the premises on which the dance will be held is owned or leased for a term of one (1) year or more by the applicant;
- (7) Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the dance, has ever been convicted of a felony or misdemeanor; and
- (8) Any other information required by the Code or deemed appropriate by the controller.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-4. Liability insurance.

- (a) The applicant shall procure, and maintain throughout the term of the permit or license, a policy of general premises liability insurance which names the City of Indianapolis as an "additional insured" party, and which would protect the permittee or licensee and the city from any claims which may arise out of or result from the operation of the dance or dances. The applicant shall file a

certificate of insurance with the controller before a permit or license can be issued.

(b) The limits of liability upon any insurance required by this section shall in no instance be less than one million dollars (\$1,000,000.00) per occurrence.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-5. Denial; grounds.

(a) The controller shall not issue a dance permit or annual dance license to any person who has not reached the age of twenty-one (21) years, or who has been convicted of a felony.

(b) The controller shall not issue a dance permit or annual dance license to any person who does not provide the controller with the name, date of birth, mailing address, and telephone number of a person who has reached the age of twenty-one (21) years who will be present for the duration of the dance and who will be responsible for managing the dance;

(c) In addition to any other reasons stated in this Code, the controller may refuse to issue a permit or license required by this chapter for any of the following reasons:

(1) The application was not made at least three (3) business days prior to the time of commencement of the dance;

(2) The applicant or a person named on the application has been convicted of a misdemeanor or found in violation of any law relating to alcoholic beverages, narcotics, or disorderly or immoral conduct;

(3) The applicant or a person named on the application permitted violations of law to occur at a prior dance held or managed by him, without stopping the violations or reporting them to the police;

(4) Persons under the age of twenty-one (21) years will be admitted to the dance, and the dance is to be held on premises licensed for the sale of alcoholic beverages or within five hundred (500) feet, measured in any direction, of a premises licensed for the sale of alcoholic beverages; or

(5) The applicant has failed to provide all information required by this chapter or Chapter 801 or has falsely provided such information.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-6. Scope of permit and license; hours of operation.

(a) Each permit issued pursuant to this chapter shall allow the permittee to hold one (1) dance at one (1) location for a continuous period, and a separate permit shall be required for each dance.

(b) In lieu of obtaining separate dance permits pursuant to this chapter, a license with a term of one (1) year may be obtained from the controller. Annual dance licenses shall be issued for specific numbers of dance days per week at one (1) location, and separate dance permits shall be required only in the event that an annual licensee desires to hold more dance days in any given week than are allowed by the license.

(c) Under no circumstances may any part of a permitted or licensed dance be held between the hours of 2:00 a.m. and 6:00 a.m., or between the hours of midnight and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)

Sec. 881-7. Fees.

(a) A separate fee of seventy-five dollars (\$75.00) shall be paid for each permit issued pursuant to this chapter.

(b) The fee for an annual license obtained pursuant to this chapter shall be eighty dollars (\$80.00).
(G.O. 81, 1997, § 1; G.O. 48, 2007, § 1)